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8 Attorneys for Plaintiff PCR Distributing, Co.

9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA

11 PCR DISTRIBUTING CO.,

12 vs.

13 Plaintiff,

14 vs.

15 JOHN DOES 1 – 10, d/b/a

16 NHENTAI.NET and NHENTAI.TO,

17 Defendants.

Case No. 2:24-cv-07453-CV-AJR

**DECLARATION OF MARTIN
PRITIKIN IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS AND STRIKE FIRST
AMENDED COMPLAINT**

Date: March 28, 2025

Time: 1:30 p.m.

Judge: Hon. Cynthia Valenzuela

Courtroom: 5D

Place: U. S. Courthouse

350 West First Street

Los Angeles, California 90012

DECLARATION OF MARTIN PRITIKIN

1
2 1. I, Martin Pritikin, am of counsel for Bjorgum Law, PC, attorneys for the
3 Plaintiff in this action, I am over the age of eighteen and I make this declaration based
4 on personal knowledge. I make this declaration, along with the attached exhibit, in
5 support of Plaintiff's Opposition to Defendants' Motion to Dismiss or Strike the First
6 Amended Complaint ("Motion").

7 2. On February 25, 2025, after reviewing Defendants' Motion and the claim
8 therein that no San Diego County fictitious business name filing could be located
9 using either the document number referenced in the First Amended Complaint
10 ("FAC") or the names PCR or JAST USA, I logged onto the San Diego County
11 Recorder Office website's Fictitious Business Name ("FBN") search page
12 (<https://arcc-acclaim.sdcountry.ca.gov/FBN>). I entered "JAST USA" into the "Search
13 By Name" tab. I found the applicable record in less than 30 seconds, and paid to have
14 a certified copy mailed to me. Attached hereto as **Exhibit A** is a true and correct copy
15 of the certified FBN filing that was sent to me as a result, reflecting that JAST USA
16 was registered as a dba of PCR on July 31, 2019.

17 3. Using the "Search By Name" tab, I also ran searches using the terms"
18 (as opposed to "JAST USA"), "PCR Distributing Co." and "PCR." These searches
19 revealed the same 2019 FBN document referenced above and attached as Exhibit A,
20 as well an FBN filing from 2015 showing that JAST USA had previously been
21 registered as a fictitious business name of PCR Distributing Co. in 2015, along with
22 another filing renewing PCR's FBN in JAST USA in July 2024. True and correct
23 certified copies of the 2015 and 2024 FBN filings that I paid to have mailed to me are
24 attached hereto as **Exhibit B**.

25 4. The 2019 FBN filing (Exhibit A) had an associated FBN number of
26 2019-9018807. This was not the same number that was referenced in Paragraph 24 of
27 the FAC, which was 2019-9513905. The FBN filing attached as Exhibit A is,
28

1 however, associated with a “Proof of Publication” (POP) filing number of 2019-
2 9513905, which is the same number referenced in Paragraph 24 of the FAC. I paid to
3 have a certified copy of the associated POP filing mailed to me. Attached hereto as
4 **Exhibit C** is a true and correct certified copy of the associated POP filing I received
5 as a result. It references the FBN number for Exhibit A, 2019-9018807.

6 5. Attached hereto as **Exhibit D** is a true and correct copy of Page 8 of the
7 registration copy of “Sexual Healing,” one of the works that the FAC alleges was
8 infringed by Defendants. Among the dialogue featured on this page is the sentence
9 “Kumokawa, did you bring your second-semester course selection printout?”

10 6. On February 28, 2025, I visited the URL, <https://nhentai.net/g/543331/>,
11 which is referenced in Exhibit 3 to the FAC (Dkt. 40-3) as one of the galleries
12 containing infringing material. Attached hereto as **Exhibit E** is a true and correct copy
13 of a partial screenshot that appeared on the page displayed. (It has been cropped and
14 redacted to avoid the display of explicit images.) To the extent that the listed upload
15 date can be credited, it lists an upload date of “2 months, 2 weeks ago,” i.e.,
16 approximately mid-December 2024—four months after the original complaint was
17 filed. (Dkt. 1.)

18 7. In their Motion, Defendants asserted that, contrary to the assertion in the
19 FAC and Exhibit 3 thereto, the URL <https://nhentai.net/g/543331/> “does not actually
20 link to material that appears to be called or relate to “Sexual Healing.” (Dkt. 47 at
21 11:10-14.) I compared the thumbnails of the comic book pages that appear at that
22 URL to the registration copy of “Sexual Healing” (which is actually a multi-volume
23 work) that was submitted in connection with the copyright registration
24 TXu002435667 in Exhibit 3 to the FAC. Each of the pages featured at that URL
25 mirror pages from the registration copy, including numerous English translations that
26 are identical or substantially similar to that featured in the registration copy. To
27 provide just one example, *compare* the comic book page found directly at the URL
28

1 <https://nhentai.net/g/543331/28> (a subdirectory of <https://nhentai.net/g/543331/>), a
2 true and correct copy of a screenshot of which is attached hereto as **Exhibit F**; with
3 page 204 from the registration copy of “Sexual Healing,” a true and correct copy of
4 which is attached hereto as **Exhibit G**.

5
6 I declare under penalty of perjury under the laws of the United States of
7 America and under the laws of the State of California that the foregoing is true and
8 correct and that if called upon to testify I could and would testify competently
9 thereto.

10 Executed this 7th day of March 2025 at Los Angeles, California

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12 By: /s/ Martin Pritikin
13 Martin Pritikin
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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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By: /s/ Eric Bjorgum
A. Eric Bjorgum